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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,231	03/19/2001	Kenneth H. Crain	125273.00006	3412

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JACKSON WALKER LLP  
901 MAIN STREET  
SUITE 6000  
DALLAS, TX 75202-3797

EXAMINER
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KANG, PAUL H

ART UNIT	PAPER NUMBER
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2144

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06/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/813,231	<b>Applicant(s)</b> CRAIN ET AL.	
	<b>Examiner</b> Paul H. Kang	<b>Art Unit</b> 2144	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 20-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/3/05</u>  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-3, 6, 12-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton et al., US Patent No. 5,951,643, in view of Rapaport et al., US Pat. No. 5,890,152.**

3. In claim 1, Shelton teaches the invention substantially as claimed. Shelton teaches a method of electronically processing browser-viewable visual stimuli, comprising (Abstract):

detecting an event comprising user changes in non-textual visual stimuli electronically presented to and observable by a user viewing a browser interface (Col 2, lines 10-30);

assigning an identification (ID) to the event ("session ID," Col 5, lines 1-10).

However, Shelton does not explicitly teach evaluating at least one parameter of the presented non-textual visual stimuli changed by the user. In the same field endeavor, Rapaport teaches a system and method for a personal feedback browser comprising evaluating at least one parameter of the presented non-textual visual stimuli changed by the user (Rapaport, col. 2, lines 27-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the evaluation of user action, as taught by Rapaport, into the system of Shelton for the purpose of customizing the information presented to the user.

4. In claim 2, Shelton-Rapaport teaches about a method of claim 1 further comprising querying at least one of the changed parameters (Shelton, Col 2, lines 20-25).

5. In claim 3, Shelton-Rapaport teaches about a method of claim 1 wherein the ID is an alphanumeric string (Fig. 6) (Shelton, Col 10, lines 10-20).

6. In claim 6, Shelton-Rapaport teaches about a method of claim 1 further comprising determining a location of online content displayed within the primary browser window (Shelton, Col 14, lines 45-65).

7. In claim 12, Shelton-Rapaport teaches about a method of claim 1 further comprising creating an event object (changing the name in the name field)( Shelton, Col 14, lines 45-65).

8. In claim 13, Shelton-Rapaport teaches about a method of claim 1 further comprising creating a screen image object (Shelton, Col 14, lines 45-65).

9. In claim 14, Shelton-Rapaport teaches about a method of claim 1 further comprising recording an event object parameter (Shelton, Abstract).

10. In claim 15, Shelton-Rapaport teaches about a method of claim 13 further comprising a screen-image object parameter (Shelton, Col 14, lines 45-65).

11. In claim 16, Shelton-Rapaport teaches about a method of claim 16 further comprising querying at least one parameter (Shelton, Col 14, lines 45-65).

12. In claim 18, Shelton-Rapaport teaches about a Memory in a computer system that maintains data detecting an event that may change a visual stimuli observable by a user viewing a browser interface (Col 2, lines 10-30) (Col 4, lines 15-30);

assigning an identification (ID) to the event (Shelton, Col 5, lines 1-10);

evaluating the event to determine if the event does change the visual stimuli (Rapaport, col. 2, lines 27-67; Shelton, Col 2, lines 10-30); and

storing at least a parameter (Rapaport, col. 2, lines 27-67; Shelton, Col 2, lines 10-30).

**3. Claims 4-5, 1-11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton-Rapaport in view of Kanno et al., US Patent No. 6,456,305.**

13. In claim 4, Shelton teaches all the limitation but does not explicitly teach about a method of claim 1 further comprising determining the location and area of a primary browser window.

In the same field of endeavor, Qureshi disclosed, determining the parameter of a default page in order to refit the page to a different display device (Col 4, lines 50-67). It would have been obvious to one of ordinary skill at the time of the invention to determine the location of a window for the purpose of providing a graphical user interface.

14. In claim 5, Shelton-Rapaport-Qureshi, teaches about a method of claim 4 further comprising determining a horizontal size, and a vertical size, of a primary browser window as immediately displayed in the display area, and a two-dimensional location of at least a corner of the primary browser window (Qureshi, Figs. 2-8 and 9b).

15. In claim 7, Shelton-Rapaport-Qureshi, teaches about a method of claim 6 further comprising determining the location of the online-content as an offset with respect to a corner of the primary browser window (Qureshi Col 9, line 55- Col 10, line 5).

16. In claim 8, Shelton-Rapaport-Qureshi teaches about a method of claim 1, further comprising determining a parameter of a child window (Qureshi, Col 9, line 55- Col 10, line 5).

17. In claim 9, Shelton-Rapaport-Qureshi teaches about a method of claim 8 further

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comprising a parameter of a child window (Qureshi, col. 11, line 27 – col. 13, line 22).

18. In claim 10, Shelton and Qureshi combined, teaches about a method of claim 8 further comprising determining a two-dimensional location of the child window relative to a primary browser window (Qureshi, col. 11, line 27 – col. 13, line 22).

19. In claim 11, Shelton and Qureshi combined, teaches about a method of claim 8 wherein determining a position of online-content within the child window (Qureshi Col 9, line 55- Col 10, line 5).

20. In claim 17, Shelton-Rapaport-Qureshi teaches about a method of claim 16 further comprising determining an offset of the online-content relative to a corner of the child window (Qureshi, col. 11, line 27 – col. 13, line 22).

21. Claims 21-37 are equivalent to claims 2-18 except for method steps, therefore claims 21-37 are rejected under the same rationale.

### ***Response to Arguments***

22. Applicant's arguments with respect to claims 1-18 and 20-37 have been considered but are moot in view of the new ground(s) of rejection. The applicant argues in substance that the prior art fails to teach detecting user changes in browser viewable non-textual visual stimuli, and

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evaluating at least one parameter of the non-textual visual stimuli changed by the user. The new grounds of rejection teaches this features.

### *Conclusion*

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul H Kang/  
Primary Examiner  
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